



Serial No. 09/812,731

1624/JF  
JFw  
Docket No. JAB 1409

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Gabriel Lopez

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : FREYNE, et al. Art Unit : 1624  
Serial No. : 09/812,731 Examiner : Mr. John M. Ford  
Filed : March 19, 2001  
Title : IL-5 INHIBITING 6-AZURACIL DERIVATIVES

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**REPLY AND AMENDMENT**

Sir:

This is in response to an Office Action dated March 10, 2004.

The claims are 1, 2, 10, 11, and 56-110, of which 10 and 104-110 are allowed, 1, 2, 11, 86, and 87 are rejected, and 56-85 and 88-103 are objected to as dependent on a rejected base claim. The allowance is thankfully acknowledged. The objected-to claims are deemed allowable in view of the amendments herein.

Claims 1, 2, 11, 86, and 87 are rejected under 35 USC 102 as anticipated by or under 35 USC 103 as obvious over Miller. The rejection is traversed. However, the rejections are overcome by the amendments herein. R<sup>2</sup> is now limited in scope by deleting the unsubstituted alkyl definitions. Since unsubstituted alkyl is deleted from the R<sup>2</sup> definition, the amended claims are no longer anticipated by the simple alkyl homologs of Miller. Further, nowhere does Miller mention the problem addressed by the compounds of the present invention, i.e. compounds for treating eosinophil-dependent inflammatory diseases. There is no teaching in this art that would have motivated the skilled person to modify the disclosed compounds in order to achieve the present compounds, which unexpectedly have the property of exhibiting the desired IL-5 inhibiting activity. It is deemed that the amended claims are both novel and inventive over Miller.

The claims have been redrafted as claims 111-169. The claims appear on pages 3-14.

It is requested that the amendment be entered and that the Examiner reconsider the rejections and objection in view of the amendment and remarks and that the case be passed to issue.

A one-month extension of time is requested to respond to the Office Action. The Commissioner is authorized to charge the necessary fee for this extension to Deposit Account 10-0750/JAB-1409/GL.

Respectfully submitted,



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